PETITION FOR SPECIAL HEARING N/S Windsor Mill Road, opposite * ZONING COMMISSIONER Read Street, N end of Sauter Lane, NW of Lawnwood Circle * OF BALTIMORE COUNTY 2nd Election District 2nd Councilmanic District * Case No. 89-70-SPH LaRue Development Corporation

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * * *

The Petitioner herein requests a special hearing to approve the 4th Amendment to the Development Plan for Lawnwood, Section 2, and the 3rd Amendment to the Partial Development Plan for Lawnwood, Section 1, to permit changes to the provisory Section notes and density calculations, all as more particularly described in Petitioner's Exhibits 1, 2 and 3.

The Petitioner, by John L. Wagner, President of JML Development, Inc., Contract Purchaser of the subject property, appeared, testified and was represented by Newton A. Williams, Esquire. Also appearing on behalf of the Petition were Sigitas Zubkus with JML Development, Inc. and Clyde F. Hinkle with W. Duvall & Associates, Inc. There were no Protestants.

Testimony and evidence presented indicated that the subject property, zoned D.R. 5.5, is the site of a 43-lot subdivision known as Windsor Mill Manor. The subject property consists of the western part of the former Sauter Property and the eastern portion of the site is the former "Parcel A" of Lawnwood. The former "Parcel A" appears on both the Third Amended Partial Development Plan for Lawnwood, Section 1, identified herein as Petitioner's Exhibit 1, and the Fourth Amended Development Plan for Lawnwood, Section 2, identified herein as Petitioner's Exhibit 2. All three subdivisions, namely Lawnwood, Section 1, Lawnwood, Section 2, and Windsor Mill Manor are zoned D.R. 5.5. The Petitioner obtained Planning

PETITION FOR SPECIAL HEARING TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve __the_ 4th Amendment Development Plan for Lawnwood Section 2. and the 3rd Amendment

__to_the Partial Development Plan for Lawnwood Section 1, in order to allow _____ changes to the provisory Section notes, and density calculations.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Michael Alderman

Attorney for Petitioner: 823-9258 7 Leadburn Ct. (Type or Print Name) Towson Maryland 21204 City and State Signature Name, address and phone number of legal owner, contract purchaser or representative to be contacted W. Duvall & Associates. Inc. (C.F. Hinkle) City and State 530 E. Joppa Road Towson, MD 21204 Attorney's Telephone No.:

ORDERED By The Zoning Commissioner of Baltimore County, this ____, 19____, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

> 1 voures Zoning Commissioner of Baltimore County.

ESTIMATED LENGTH OF HEARING -1/2HR +(West) AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS
OTHER REVIEWED BY: SAL CKR DATE 6 23-88

Board approval of the proposed amendments in July 1988, and more specifically, obtained County Review Group approval for the development of Windsor Mill Manor on or about June 13, 1988.

The density changes proposed are more fully described in the Density Plat, identified herein as Petitioner's Exhibit 3. The density calculations for all three subdivisions are very detailed, but with the completion of Windsor Mill Manor, 58 dwelling units will remain. All contiguous surrounding properties have been developed either for public school uses to the north, Lawnwood, Sections 1 and 2, and D.R. 5.5 development to the west along the northwest side of Windsor Mill Road.

Section 1B01.3A.7.1c.iv. provides that "The Zoning Commissioner and the Director of Planning must certify the amendment is in keeping with the spirit and intent of this article and other Baltimore County land use and development requirements administered by them, and both must certify that the amendment does not violate the spirit and intent of the original plan." The proposed amendments and density changes for Windsor Mill Manor are in keeping with the spirit and intent of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would re-'sult if the relief requested in the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

W. DUVALL & ASSOCIATES, INC.

Engineers • Surveyors • Land Planners

DESCRIPTION TO ACCOMPANY PETITION FOR SPECIAL HEARING LAWNWOOD SECTIONS I, II, AND PARCEL "A"

JUNE 22, 1988

BEGINNING for the same on the North side of Windsor Mill Road, 30 feet wide and the western right of way line of Read Street, 50 feet wide, projected across Windsor Mill Road to the said north side of Windsor Mill Road, 30 feet wide, thence binding on the north right of way of Windsor Mill Road North 48 degrees 24 minutes 20 seconds West 6 feet more or less to the point of beginning, thence North 41 degrees 55 minutes 40 seconds East 150.00 feet, North 48 degrees 24 minutes 20 seconds West 125.00 feet, North 41 degrees 35 minutes 40 seconds East 282.06 feet, North 32 degrees 02 minutes 50 seconds West 18.97 feet, North 05 degrees 39 minutes 14 seconds East 720.29 feet,

North 87 degrees 10 minutes 10 seconds East 1,113.81 feet, South 32 degrees 22 minutes 00 seconds East 574.07 feet, South 43 degrees 03 minutes 25 seconds West 1462.98 feet, North 32 degrees 20 minutes 22 seconds West 153.31 feet, South 39 degrees 57 minutes 40 seconds West 224.00 feet. North 47 degrees 37 minutes 20 seconds West 50.05 feet, North 39 degrees 57 minutes 40 seconds East 237.85 feet, North 32 degrees 20 minutes 22 seconds West 143.91 feet, South 39 degrees 57 minutes 40 seconds West 276.74 feet, North 48 degrees 24 minutes 20 seconds West 25.54 feet, South 39 degrees 57 minutes 40 seconds West 16.62 feet, North 48 degrees 24 minutes 20 seconds West 8.00 feet, North 39 degrees 57 minutes 40 seconds East 303.10 feet, North 32 degrees 02 minutes 50 seconds West 17.32 feet, South 39 degrees 57 minutes 40 seconds West 91.92 feet, North 48 degrees 24 minutes 20 seconds West 146.09 feet, South 41 degrees 35 minutes 40 seconds West 50.00 feet, North 48 degrees 24 minutes 20 seconds West 184.10 feet, South 41 degrees 35 minutes 40 seconds West 150.00 feet, North 48 degrees 24 minutes 20 seconds West 25.00 feet to the point of beginning.

Containing 36.164 acres of land, more or less.



530 East Joppa Road / Towson, Maryland 21204 / (301) 583-9571

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore day of October, 1988 that the Petition for Special Hearing to approve the 4th Amendment to the Development Plan for Lawnwood, Section 2, and the 3rd Amendment to the Partial Development Plan for Lawnwood, Section 1, to permit changes to the provisory Section notes and density calculations, in accordance with Petitioner's Exhibits 1, 2 and 3, be and is hereby GRANTED, from and after the date of this Order.

> Zoning Commissioner for Baltimore County

.89-70-SPH CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

Date of Posting Kugust 22, 1888. La Pue Develapmenti Corporation - NS Windson Mill Rd. apposite Read Strut (Launwood Section U. Windson Mill Manor, Parcels A + 1)

	E"DUPLICATE"
	CERTIFICATE OF PUBLICATION
NOTICE OF HEARING The Zoning Commissioner of Ballimore County, by authority of	
the Zoning Act and Regulations of Baltimere County will hold a public hearing on the property	TOWSON, MD., august 8, 1958
identified herein in Rosm 106 of a the County Office Building, to- called at 111 W. Chesapeelle Av- enue in Townon, Maryland as to-	THIS IS TO CERTIFY, that the annexed advertisement was
lows: Petition for Special Hearing	published in THE JEFFERSONIAN, a weekly newspaper printed
Case number: 89-70-SPH NS Windor Mill Road, op- posite Read Street (Lawnwood Section II.	and published in Towson, Baltimore County, Md., once in each
Windor Mill Menor, Perces A & 1) 2nd Election District	of successive weeks, the first publication appear-
2nd Councilments Patitioner(s): Laftue Development Corporation	ing on Jugust 18, 1988
Contract Purchaser:	
Special Hearing: to approve the 4th Amendment Develop-	45.00 THE JEFFERSONIAN,
mant Plan for Lawrwood Section 2 2, and the 3rd Amendment to the	POPORTIST
Lawrencod Section 1, in order to allow changes to the provisory Section nates, and density calculations.	eg# missesy S. Zefe Olm
In the event that this Patition is granted, a building permit may be leased within the thirty (30) day	Publisher
appeal period. The Zoning Com- missioner will, however, entertain any request for a stay of the is-	
suance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the	
date of the hearing set above or	

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

Ealtimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 194-3353

> Newton A. Williams, Esquire Nolan, Plumhoff & Williams

> > Case No. 89-70-SPH

J. Robert Haines

October 7, 1988

Dennis F. Rasmussen

1105 Hampton Plaza Towson, Maryland 21204 RE: PETITION FOR SPECIAL HEARING N/S Windsor Mill Road opposite Read Street, N End of Sauter Lane and NW of Lawnwood Circle

2nd Election District - 2nd Councilmanic District

LaRue Development Corporation - Petitioner

Dear Mr. Williams:

JRH:bjs

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

J. ROBERT HAINES Zoning Commissioner

for Baltimore County cc: Mr. Clyde F. Hinkle

People's Counsel

W. DuVall and Associates, Inc.

530 E. Joppa Road, Towson, Md. 21204

M18883

CELTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisment was published in the NORTHWEST STAR, a weekly newspaper published in Pikesville, Baltimore County, Maryland before the ______day of the first publication appearing on the 17th cay of August .19 M the secend publication appearing on the the third publication appearing on the

THE NORTHWEST STAR

Cost of Advertisement



ZONING OFFICE

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 494-3353

July 29, 1988

Dennis F. Rasmussen

"NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Hearing CASE NUMBER: 89-70-SPH NS Windor Mill Road, opposite Read Street (Lawnwood Section II, Windor Mill Manor, Parces A & 1) 2nd Election District - 2nd Councilmanic Petitioner(s): LaRue Development Corporation Contract Purchaser: JML Development, Inc. HEARING SCHEDULED: WEDNESDAY, SEPTEMBER 14, 1988 at 9:00 a.m.

Special Hearing: To approve the 4th Amendment Development Plan for Lawnwood Section 2, and the 3rd Amendment to the Partial Development Plan for Lawnwood Section 1, in order to allow changes to the provisory Section notes, and density

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES Zoning Commissioner of Baltimore County

*INDICATES CHANGE FROM PREVIOUS NOTIFICATION

cc: JML Development, Inc. LaRue Development Corporation W. Duvall & Associates, Inc.

Saltimore County Office of Planning & Zoning Towson, Maryland 21204

JML Development, Inc. 101 Chestnut Street, Suite 101 Gaithersburg, Maryland 20877

BALTIMORE COUNTY, MARYLAND

DEFICE OF FINANCE - REVENUE DIVISION

MISCELLANEOUS CASH RECEIPT

Res Petition for Special Hearing CASE NUMBER: 89-70-5PH MS Windor Mill Road, opposite Read Street (Laurwood Section II, Windor Mill Manor, Parces A & 1) 2nd Election District - 2nd Councilmanic Petitioner(s): LaRue Development Corporation Contract Purchaser: JML Development, Inc.
HEARING SCHEDLLED: W. S., Sut. 14, 1988 at 9 am.

8 BOIL 78 9 2 70 25 PH

Please be advised that 79.20 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing.

ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

Please make your check payable to Baltimore County, Maryland and bring

it along with the sign(s) and post(s) to the Zoning Office, County Office
Building, Room 111 Torrect (s) minutes before



Date: 8/30/88

post set(s), there

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

> Petition for Special Hearing CASE NUMBER: 89-70-SPH NS Windor Mill Road, opposite Read Street (Lawnwood Section II, Windor Mill Manor, Parces A & 1) 2nd Election District - 2nd Councilmanic Petitioner(s): LaRue Development Corporation Contract Purchaser: JML Development. Inc. HEARING SCHEDULED: TUESDAY, SEPTEMBER 20, 1988 at 10:45 a.m.

Special Hearing: To approve the 4th Amendment Development Plan for Lawnwood Section 2, and the 3rd Amendment to the Partial Development Plan for Launwood Section 1, in order to allow changes to the provisory Section notes, and density

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES Zoning Commissioner of Baltimore County

Baltimore County

494-3353

Zoning Commissioner
Office of Planning & Zoning

Towson, Maryland 21204

Baltimore County Zoning Commissione Office of Planning & Zoning Towson, Maryland 21204

J. Robert Haines

July 25, 1988

NOTICE OF HEARING



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Hearing CASE NUMBER: 89-70-5PH NS Windor Mill Road, opposite Read Street (Lawnwood Section II, Windor Mill Manor, Parces A & 1) 2nd Election District - 2nd Councilmanic Petitioner(s): LaRue Development Corporation HEARING SCHEDULED: TLESDAY, SEPTEMBER 20, 1998 at 10:45 a.m.

Special Hearing: To approve the 4th Amendment Development Plan for Lawnwood Section 2, and the 3rd Amendment to the Partial Development Plan for Lawnwood Section 1, in order to allow changes to the provisory Section notes, and density calculations.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES Zoning Commissioner of Baltimore County cc: LaRue Development Corp. JML Development, Inc. W. Duvall & Associates, Inc.

Attorney

PLEASE PRINT CLEARLY

JOHN L. WAGNER

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this

99-70 SH

530 E. TIPPA RO. Touson, No. 21204

101 Chestnot str. Godkerbeny 11d 20877

JML, 101 CHESTUUT HIND MID 20877

1105 Dampton Playa 21204

Received by: Janes F. Ever
Chairman, Zoning Plans Petitioner toPer tevalegment Corp. Advisory Committee

Office of Planning and Zoning Baltimore County Office Building

Dennis F. Rasmussen

Re: Property Owner: LaRue Development Corp. Location: N/S Windsor Mill Rd., opp. Read Street

(Lawnwood Section I, Windsor Mill Manor Parcels A & 1) Item No.: Zoning Agenda: Meeting of 7/5/88

Baltimore County

J. Robert Haines

Towson, MD 21204

Zoning Commissioner

494-4500

Paul H. Reincke Chief

Fire Department Towson, Maryland 21204-2586

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

(x) 1. Fire hydrants for the referenced property are required and shall be located at intervals or 750 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works. Additional fire hydrant required at Read St. & Lawnwood.

() 2. A second means of vehicle access is required for the site.

) 3. The vehicle dead end condition shown at _ EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code, 1976 edition prior to occupancy.

) 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE September 1, 1988

Mr. Michael Alderman 7 Leadburn Court

Bureau of Department of . Traffic Engineering

Industrial Development

Bureau of Fire Prevention Health Department Project Planning Building Department Board of Education

COUNTY OFFICE SLDG. 111 W. Chesapeake Ave. Towson, Maryland 21204

Towson, Maryland 21204

State Roads Commiss Zoning Administration RE: Item No. 462 - Case No. 89-70-SPH

Petitioner: LaRue Development Corp. JML Development Inc. - Contract Purchaser Petition for Special Hearing

Dear Mr. Alderman:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Other ise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours.

Zoning Plans Advisory Committee

JED:dt

cc: JML Development, Inc. W. Duvall & Associates, Inc.

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 494-3554

July 25, 1988



Mr. J. Robert Haines Zoning Commisioner County Office Building Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number

458, 459, 460, 462) 464, 465, 467, 468, 470, and 471.

Very truly yours,

Assistant Traffic Engineer

SEW/RF/cps

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines TO Zoning Commissioner

Date___August 30, 1988 Pat Keller, Deputy Director

FROM Office of Planning and Zoning

SUBJECT Zoning Advisory Committee Comments

Lawnwood Section II - No. 462 Zoning Petition 89-70-SPH

The proposed revisions to the subject property was reviewed and approved by the Planning Board. The Office of Planning and Zoning has no comment regarding this request.





